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09/238,163	01/28/1999	HIROSHI SUMIYAMA	032567-002	6659

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 09/05/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/238,163

Applicant(s)

SUMIYAMA ET AL.

Examiner

Joseph R. Pokrzywa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>15</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 6/30/03, and has been entered and made of record. Currently, **claims 1-4, and 6-19** are pending.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement submitted on 3/10/03 have been considered by the examiner (see attached PTO-1449).

Response to Arguments

3. Applicant's arguments with respect to **claims 1, 10, 16, and 19** have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. **Claim 10** is objected to because of the following informalities:

In **claim 10**, line 14, "the memory" should read "the mode memory";

In **claim 10**, line 19, "the image output unit" should read "the printer".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-4, 9, and 16-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Hirata *et al.* (U.S. Patent Number 5,113,520).

Regarding **claim 1**, Hirata discloses an image forming apparatus, comprising a first memory for storing image data (print data memory 45, column 2, lines 49 through 55), a second memory for storing image forming conditions (key buffer 41, column 2, lines 39 through 44, column 2, lines 65 through 68, and column 3, lines 36 through 48), an image output unit for printing the image data stored in the first memory under the image forming conditions stored in the second memory (column 3, lines 4 through 48, and column 6, lines 37 through 44), command means for generating a command of discarding the image data being printed from the image output unit (cancel key 19, column 4, lines 50 through 64), an image data discarding controller (CPU 30) for discarding the image data stored in the first memory when the command of discarding the image data is generated by the command means (column 2, lines 24 through 55, and column 4, lines 58 through 64), while maintaining the associated image forming conditions stored in the second memory (column 4, lines 50 through 64, and column 6, lines 37 through 51), and a job stopping controller for stopping a print operation of a job being printed by the image output unit (being the job within the print reservation memory 46, column 2, lines 39 through 56, column 4, lines 45 through 64, and column 6, lines 29 through 51), wherein the command means

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generates a command of discarding the image data of the job stopped by the job stopping controller (column 2, lines 24 through 55, and column 4, lines 58 through 64), and wherein the image data discarding controller discards the image data of the job stopped by the job stopping controller and maintains the image forming conditions of the job (column 4, lines 50 through 64, and column 6, lines 37 through 51).

Regarding **claim 2**, Hirata discloses the image forming apparatus discussed above in claim 1, and further teaches of an image input unit for inputting the image data to the first memory (column 1, lines 44 through 54, and column 3, line 57 through column 4, line 44).

Regarding **claim 3**, Hirata discloses the image forming apparatus discussed above in claim 2, and further teaches of an output control means for causing the output unit to output image data newly input from the image input unit under the maintained image forming conditions (column 4, lines 37 through 57).

Regarding **claim 4**, Hirata discloses the image forming apparatus discussed above in claim 3, and further teaches of means for changing the maintained image forming conditions (column 2, lines 11 through 68, and column 3, lines 20 through 56).

Regarding **claim 9**, Hirata discloses the image forming apparatus discussed above in claim 1, and further teaches that the image output unit is a printer for printing an image on a paper based on the image data (column 3, lines 4 through 17).

Regarding **claim 16**, Hirata discloses an image forming method, comprising storing image data in an image memory (print data memory 45, column 2, lines 49 through 55), storing image forming conditions for the image data in a memory (key buffer 41, column 2, lines 39 through 44, column 2, lines 65 through 68, and column 3, lines 36 through 48), printing an image

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on a paper (column 3, lines 4 through 17), based on the image data stored in the image memory, under the image forming conditions stored in the memory (column 3, lines 20 through 48, and column 6, lines 37 through 44), generating a command of discarding the image data whose image is being printed (cancel key 19, column 4, lines 50 through 64), stopping a print operation of the image data being printed and erasing the image data from the image memory in response to the command, while maintaining the associated image forming conditions in the memory (column 4, lines 50 through 64, and column 6, lines 37 through 51), acquiring new image data and storing the new image data and storing the new image data in the image memory (column 5, line 54 through column 6, line 36), and printing a new image on a paper, based on the newly acquired image data, under the image forming conditions maintained in the memory (column 6, lines 37 through 51).

Regarding *claim 17*, Hirata discloses the image forming method discussed above in claim 16, and further teaches of the step of changing the maintained image forming conditions (column 2, lines 11 through 68, and column 3, lines 20 through 56).

Regarding *claim 18*, Hirata discloses the image forming method discussed above in claim 16, and further teaches of the step of printing image data of another print job on a waiting list after the newly acquired image data has completely been printed (column 5, line 15 through column 6, line 51).

Regarding *claim 19*, Hirata discloses an image forming apparatus, comprising a first memory for storing image data (print data memory 45, column 2, lines 49 through 55), a second memory for storing image forming conditions (key buffer 41, column 2, lines 39 through 44, column 2, lines 65 through 68, and column 3, lines 36 through 48), an image output unit for

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printing the image data stored in a first memory under the image forming conditions stored in the second memory (column 3, lines 4 through 48, and column 6, lines 37 through 44), command means for generating a command of discarding the image data being printed from the image output unit (cancel key 19, column 4, lines 50 through 64), an image data discarding controller (CPU 30) for discarding the image data stored in the first memory when the command of discarding the image data is generated by the command means (column 2, lines 24 through 55, and column 4, lines 58 through 64), while maintaining the associated image forming conditions stored in the second memory (column 4, lines 50 through 64, and column 6, lines 37 through 51), and a job stopping controller for stopping a print operation of a job being printed by the image output unit (being the job within the print reservation memory 46, column 2, lines 39 through 56, column 4, lines 45 through 64, and column 6, lines 29 through 51), wherein the command means generates a command of discarding the image data of the job stopped by the job stopping controller (column 2, lines 24 through 55, and column 4, lines 58 through 64), and wherein the image data discarding controller discards the image data of the job stopped by the job stopping controller and maintains the image forming conditions of the job (column 4, lines 50 through 64, and column 6, lines 37 through 51), an image input unit for inputting image data to the first memory (column 1, lines 44 through 54, and column 3, line 57 through column 4, line 44), and an output control means for causing the output unit to output image data newly input from the image input unit under the maintained image forming conditions (column 4, lines 37 through 57), wherein the first memory stores a plurality of image data, and the output control means gives priority to the newly inputted image data to be printed under the maintained image forming conditions over the rest of the image data (column 3, line 36 through column 4, line 57).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 6-8, and 10-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata *et al.* (US. Patent Number 5,113,520) in view of Hanamoto (U.S. Patent Number 5,152,001, cited in the Office action dated 5/7/02).

Regarding **claim 6**, Hirata discloses the image forming apparatus discussed above in claim 2, but fails to specifically teach if the image input unit is an image reader for reading the image from the original and acquiring the image data, wherein the image output unit and the image reader operate independently. Hanamoto discloses an image forming apparatus, comprising a first memory for storing image data (electrical load 54, column 40 through 53), a second memory for storing image forming conditions (column 2, lines 20 through 38, and column 4, lines 48 through 57), an image output unit for printing the image data stored in the first memory under the image forming conditions stored in the second memory (column 3, lines 17 through 54), command means for generating a command of discarding the image data being printed from the image output unit (column 4, lines 8 through 35), an image data discarding controller for discarding the image data stored in the first memory when the command of discarding the image data is generated by the command means (column 4, lines 8 through 60), while maintaining the associated image forming conditions stored in the second memory (column 4, lines 8 through 35). Further, Hanamoto teaches that the image input unit is an image

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reader for reading the image from the original and acquiring the image data (column 3, lines 32 through 47), wherein the image output unit and the image reader operate independently (column 3, lines 17 through 47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hirata's system with the teachings of Hanamoto. Hirata's data processing system would easily adapted to include an input device as taught by Hanamoto, as the systems share many similar features, with both systems having similar internal components that achieve the same goal, which is to print an image on paper as an output.

Regarding *claim 7*, Hirata and Hanamoto disclose the image forming apparatus discussed above in claim 6, and Hanamoto further teaches that the image reader is reading another original, the command means generates a command of suspending the reading operation, and at the same time, it generates a command of discarding the image data to be printed (column 3, line 32 through column 4, line 60, and column 6, lines 8 through 57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hirata's system with the teachings of Hanamoto. Hirata's data processing system would easily adapted to include an input device as taught by Hanamoto, as the systems share many similar features, with both systems having similar internal components that achieve the same goal, which is to print an image on paper as an output.

Regarding *claim 8*, Hirata and Hanamoto disclose the image forming apparatus discussed above in claim 6, and Hanamoto further teaches that if the image reader is reading another original, the command means generates a command of discarding the image data to be printed after the reading operation for another original has been completed (column 3, line 32 through

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column 4, line 60, and column 6, lines 8 through 57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hirata's system with the teachings of Hanamoto. Hirata's data processing system would easily adapted to include an input device as taught by Hanamoto, as the systems share many similar features, with both systems having similar internal components that achieve the same goal, which is to print an image on paper as an output.

Regarding *claim 10*, Hirata discloses an image forming apparatus, comprising an image reader for acquiring image data of an original (column 1, lines 31 through 54), an image memory for storing image data acquired by the image reader (print data memory 45, column 2, lines 49 through 55), a mode memory for storing image forming conditions selected for the acquired image data (key buffer 41, column 2, lines 39 through 44, column 2, lines 65 through 68, and column 3, lines 36 through 48), a printer for printing an image on paper, based on the image data stored in the image memory, under the image forming conditions stored in the mode memory (column 3, lines 4 through 48, and column 6, lines 37 through 44), command means for generating a command of discarding the image data being printed by the printer (cancel key 19, column 4, lines 50 through 64), an image data discarding controller (CPU 30) for discarding the image data stored in the image memory when the command of discarding the image data is generated by the command means (column 2, lines 24 through 55, and column 4, lines 58 through 64), while maintaining the associated image forming conditions stored in the mode memory (column 4, lines 50 through 64, and column 6, lines 37 through 51), and a job stopping controller for stopping a print operation of a job being printed by the printer (being the job within the print reservation memory 46, column 2, lines 39 through 56, column 4, lines 45 through 64,

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and column 6, lines 29 through 51), wherein the command means generates a command of discarding the image data of the job stopped by the job stopping controller (column 2, lines 24 through 55, and column 4, lines 58 through 64), and wherein the image data discarding controller discards the image data of the job stopped by the job stopping controller and maintains the image forming conditions of the job (column 4, lines 50 through 64, and column 6, lines 37 through 51).

However, Hirata fails to particularly teach of an image reader for reading an original and acquiring image data of the original, and print control means for causing the printer to print another image data newly read by the image reader under the maintained image forming conditions in the mode memory. Hanamoto discloses an image forming apparatus, comprising an image reader for reading an original and acquiring image data of an original (column 3, lines 17 through 54), a mode memory for storing image forming conditions selected for the acquired image data (read-write memory 55), a printer for printing an image on paper, based on the image data stored in the image memory, under the image forming conditions stored in the mode memory (column 3, line 48 through column 4, line 35), command means for generating a command of discarding the image data being printed by the printer (column 4, lines 8 through 35), an image data discarding controller for discarding the image data stored in the image memory when the command of discarding the image data is generated by the command means (column 4, lines 8 through 60), while maintaining the associated image forming conditions stored in the mode memory (column 4, lines 8 through 35), and print control means for causing the printer to print another image data newly read by the image reader under the maintained image forming conditions in the mode memory (column 3, line 32 through column 4, line 60,

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and column 5, lines 24 through 63). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hirata's system with the teachings of Hanamoto. Hirata's data processing system would easily adapted to include an input device as taught by Hanamoto, as the systems share many similar features, with both systems having similar internal components that achieve the same goal, which is to print an image on paper as an output.

Regarding *claim 11*, Hirata and Hanamoto disclose the image forming apparatus discussed above in claim 10, and Hirata further teaches of a changing means for changing the maintained image forming conditions (column 2, lines 11 through 68, and column 3, lines 20 through 56).

Regarding *claim 12*, Hirata and Hanamoto disclose the image forming apparatus discussed above in claim 10, and Hirata further teaches that the image reader and the printer operate independently (column 1, lines 37 through 54), and the image memory stores image data for a plurality of jobs (column 2, lines 39 through 64, and column 5, lines 6 through 66).

Regarding *claim 13*, Hirata and Hanamoto disclose the image forming apparatus discussed above in claim 12, and Hirata further teaches of a print control means that gives priority to a new job for printing under the maintained forming conditions over the rest of the jobs on a waiting list (column 5, line 15 through column 6, line 28).

Regarding *claim 14*, Hirata and Hanamoto disclose the image forming apparatus discussed above in claim 12, and Hanamoto further teaches that if the image reader is reading another original, the command means generates a command of suspending the reading operation, and at the same time, it generates a command of discarding the image data to be printed (column

3, line 32 through column 4, line 60, and column 6, lines 8 through 57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hirata's system with the teachings of Hanamoto. Hirata's data processing system would easily adapted to include an input device as taught by Hanamoto, as the systems share many similar features, with both systems having similar internal components that achieve the same goal, which is to print an image on paper as an output.

Regarding *claim 15*, Hirata and Hanamoto disclose the image forming apparatus discussed above in claim 12, and Hanamoto further teaches that if the image reader is reading another original, the command means generates a command of discarding the image data to be printed after the reading operation for another original has been completed (column 3, line 32 through column 4, line 60, and column 6, lines 8 through 57). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hirata's system with the teachings of Hanamoto. Hirata's data processing system would easily adapted to include an input device as taught by Hanamoto, as the systems share many similar features, with both systems having similar internal components that achieve the same goal, which is to print an image on paper as an output.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J.E.P.

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp


EDWARD COLES
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